

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

PATRICIA MIROTH,
Plaintiff,

v.

LIZ HAMILTON, et al.,
Defendants.

Case No. 21-cv-06951-RMI

ORDER TRANSFERRING ACTION

Re: Dkt. No. 7

Patricia Miroth (“Plaintiff”), a *pro se* litigant, filed a civil rights action pursuant to 42 U.S.C. § 1983 against several employees of the County of Trinity Child Health and Human Services, as well as an attorney, for adverse actions or decisions made during Plaintiff’s state-court child custody case. *See Pl.’s Compl.* (dkt. 1) at 1–2, 5, 8–9. The court screened the Complaint pursuant to 28 U.S.C. § 1915(e)(2) and identified the deficiency of improper venue.

Venue is proper under § 1391 “only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred . . . or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b). If venue is improper, a district court may dismiss, or in the interest of justice, transfer the case to any district in which it could have been brought. *See* 28 U.S.C. § 1406(a).

Plaintiff’s Complaint asserts that all events giving rise to her claim occurred exclusively within Trinity County, which rests in the United States District Court for the Eastern District of California—not the Northern District of California. *See Pl.’s Compl.* (dkt. 1) at 4. In its screening order, the court explained that the action should have been filed in the Eastern District of California

1 and that Plaintiff must amend her complaint to either establish proper venue or explain why the court
2 should transfer rather than dismiss the action. *See Screening Order* (dkt. 6) at 2–3. Plaintiff filed an
3 Amended Complaint in which she acknowledged that venue was proper in the Eastern District of
4 California and asked the court “to transfer this case to where it can be heard[,] as this Amended
5 Complaint addresses and cures this Courts (*sic*) concerns regarding stating a claim and subject matter
6 jurisdiction.” *See Pl. ’s Amended Compl.* (dkt. 7) at 2.

7 Upon reviewing Plaintiff’s Amended Complaint, the court finds that it is in the interest of
8 justice to transfer the action to the proper venue, rather than dismiss the action. Accordingly, **IT IS**
9 **HEREBY ORDERED** that this case be **TRANSFERRED** to the Eastern District of California.

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11 **IT IS SO ORDERED.**

12 Dated: December 1, 2021

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ROBERT M. ILLMAN
United States Magistrate Judge